Please add the following claim 20:

--20. The system of claim 16 additionally comprising means for driving an output transducer according to an output sequence selected from said list.--

Remarks

The Office Action dated May 29, 1998 has been carefully considered and the application has been thoroughly reviewed in light thereof. Claims 1-19 have been rejected under (1) 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention and (2) and claims 1-8 and 11-17 have been rejected under 35 U.S.C. § 101 as claiming the same invention as that of prior U.S. Patent No. 5,693,902, i.e., a double patenting rejection. Accordingly, the claims have been amended to more clearly recite the claimed invention.

In accordance with Applicants' invention, a block sequence compiler is used to select a plurality of data blocks to generate an output sequence, e.g., audio and/or video, having a sequence duration corresponding to user-prescribed criteria. In a preferred embodiment, a user chooses a source segment, e.g., audio and/or video, from a data storage library and prescribes the desired output sequence duration, e.g., audio and/or video, of the selected

sequence of data blocks. Prior to depositing each segment in the library, the source segment is partitioned into data blocks that are identified in a corresponding table with characteristics including (1) duration, (2) suitability for being used as a beginning or ending of an output sequence, and (3) compatibility, e.g., musical or visual, with each data block. Using this table and the user-prescribed criteria, i.e., duration, the block sequence compiler generates a plurality of output sequences satisfying the user-prescribed criteria which can be reviewed, e.g., output or played, and/or saved for future use. As noted, the data blocks are explicitly shown as being suitable for representing various forms of data, e.g., audio and/or video, that can be output (played) to a transducer, e.g., a speaker or monitor.

The claims of the present application have been rejected under 35 U.S.C. § 101 as claiming the same invention as that of Applicants parent U.S. Patent No. 5,693,902, i.e., a statutory double patenting rejection. The Examiner notes that "[a] statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so that they are <u>no longer coextensive in scope</u>" (emphasis added). Accordingly, the amended claims avoid this ground of rejection by defining somewhat different structural elements and their relationships, and are thus of somewhat different scope than those of the parent. For example, independent claims 1, 11, and 16 now recite "a data storage

library" and independent claims 1, 11, 15 and 16 now recite that the compiled output sequence is "suitable for driving an output transducer". Accordingly, Applicant contends that the currently presented claims are not subject to a statutory type of double patenting. Even assuming arguendo, that the currently presented claims were considered to be an obvious variation of the invention presented in U.S. Patent No. 5,693,902, Applicant contends that amended claims would only be subject to a nonstatutory type of double patenting that can be corrected by a terminal disclaimer. Furthermore, it is noted that since this application claims the benefit of its parent, U.S. Patent No. 5,693,902, its term is already limited by the filing date of the parent. However, a terminal disclaimer is attached to remedy situation.

Additionally, it is noted that the current application adds FIGS. 6-12 and associated descriptions in the specification. Accordingly, the additional related subject matter claimed in claims 16-20 which describe a system for generating a repeatable output sequence is clearly not present in the claims of the parent patent and thus not subject to double patenting.

The objections to the drawings are noted. It is respectfully requested that the submission of formal drawing be deferred until allowance.

In view of the provided amendments and arguments, it is submitted that the claims are in condition for allowance. Favorable consideration of claims 1-20 at an early date is courteously solicited.

Respectfully submitted,

Date: July 17, 1998   By: _____
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